



**REGULAR CITY COUNCIL MEETING
MEETING AGENDA
WEDNESDAY, APRIL 12, 2017**

**Closed Session Meeting – 5:00 PM
Regular Meeting - 6:30 PM**

**City Hall – Beryl P. Robinson, Jr. Conference Room
317 Broad Street, Nevada City, CA 95959**

MISSION STATEMENT

The City of Nevada City is dedicated to preserving and enhancing its small town character and historical architecture while providing quality public services for our current and future residents, businesses and visitors.

Evans Phelps, Mayor

**Reinette Senum, Council Member
David Parker, Council Member**

**Duane Strawser, Vice Mayor
Valerie Moberg, Council Member**

The City Council welcomes you to its meetings which are scheduled at 6:30 PM on the 2nd and 4th Wednesdays of each month. Your interest is encouraged and appreciated. This meeting is recorded on DVD and is televised on local public television Channel 17. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting. Please turn off all cell phones or similar devices. Action may be taken on any agenda item. Agenda notices are available at City Hall. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Hall at 317 Broad Street, Nevada City, CA during normal business hours.

ANY MEMBER OF THE PUBLIC DESIRING TO ADDRESS THE COUNCIL ON ANY ITEM ON THIS AGENDA: After receiving recognition from the Mayor, give your name and address, and then your comments or questions. Please direct your remarks to the Councilmembers. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. All citizens will be afforded an opportunity to speak, consistent with their Constitutional rights. Time limits shall be at the Mayor's discretion. **IF YOU CHALLENGE** the Council's decision on any matter in court, you will be limited to raising only those issues you or someone else raised at the meeting or Public Hearing described on this agenda, or in written correspondence delivered to the City Council at, or prior to, the meeting or Public Hearing.

CLOSED SESSION MEETING – 5:00 PM

1. Pursuant to Government Code Section 54956.8, a closed session is requested with negotiators City Manager Mark Prestwich, Assistant City Manager Catrina Olson and Consulting City Attorney Hal DeGraw regarding possible sale of City-owned property.
2. Conference with Labor Negotiators – Pursuant to Government code §54957.6 a closed session with Mark Prestwich, City Manager and Catrina Olson, Assistant City Manager as the City's designated representatives for negotiations on compensation adjustment for Police Chief and Nevada City Police Officers Association successor Memorandum of Understanding.
3. Pursuant to Government Code Section 54956.9(a), the City Attorney and contract attorney P. Scott Browne are requesting a closed session item to discuss, confer and receive advice on the pending litigation case of *Friends of Spring Street v. Nevada City, et al.* C081195, Nevada County Superior Court No. CU15080911 following receipt of a not to be published decision of the Third Appellate District Court.”

4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION pursuant to Government Code §54956.9 – Significant exposure to litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 1 potential case.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Moberg, Parker, Senum, Vice Mayor Strawser, & Mayor Phelps

PLEDGE OF ALLEGIANCE

PROCLAMATION:

PRESENTATIONS:

BUSINESS FROM THE FLOOR

1. PUBLIC COMMENT

Under Government Code Section 54954.3, members of the public are entitled to address the City Council concerning any item within the Nevada City Council's subject matter jurisdiction. Comments on items NOT ON THE AGENDA are welcome at this time. Normally, public comments are limited to no more than three minutes each. **Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda.**

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

3. CONSENT ITEMS:

All matters listed under the Consent Calendar are to be considered routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt, members of the Council, City staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action.

A. Subject: Temporary Loan of City Documents to Doris Foley Historical Library
Recommendation: Pass a Motion authorizing Mayor to sign Agreement for Temporary Loan of Nevada City Documents to Doris Foley Historical Library.

B. Subject: Operations & Maintenance Agreement with the Department of Toxic Substances Control for Stiles Mill Property
Recommendation: Pass a Motion authorizing Mayor to Sign the Operations & Maintenance Agreement.

C. Subject: Accounts Payable Report – March 2017
Recommendation: Receive and file.

D. Subject: Farmers Market Street Closure Request
Recommendation: Review and authorize Nevada City Farmers Market street closure request per application.

E. Subject: Compensation Adjustments for Part-Time Community Service Officer I Classification

Recommendation: Pass a motion authorizing compensation adjustments for the City's part-time Community Service Officer I Classification.

F. Subject: Award of Contract for Water and Sewer Repairs at Various Locations in Nevada City

Recommendation: Pass a Motion awarding a contract to CME Services in the amount of \$75,448 plus \$5,000 contingencies for Water and Sewer Repairs at Various Locations in Nevada City and authorize the Mayor to sign.

G. Subject: Contract for Annual Financial Audit Services

Recommendation: Pass Resolution 2017-XX authorizing the Assistant City Manager to sign an agreement engaging the services of Smith and Newell CPA's to perform annual auditing services for the City of Nevada City for fiscal year 2016-2017 and 2017-2018.

H. Subject: Award of Contract Change Order for Sidewalk Improvements at Various Locations in Nevada City

Recommendation: Pass Resolution 2017-XX awarding a contract change order to Central Valley Engineering & Asphalt, Inc., Roseville, CA in the amount of \$25,000 for sidewalk improvements at various locations and authorize the Mayor to sign.

4. APPROVAL OF ACTION MINUTES:

A. City Council Meeting – March 22, 2017

5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: Nevada County Transportation Commission's (NCTC) Draft Fiscal Year (FY) 2017/18 Overall Work Program

Recommendation: Review projects proposed for inclusion in the NCTC FY 2017/18 Overall Work Program (OWP) and pass Resolution 2017-XX approving the projects proposed for inclusion in the NCTC FY 2017/18 OWP.

B. Subject: Nevada City Chamber of Commerce Street Closure Requests

Recommendation: Review and authorize Nevada City Chamber of Commerce street closure requests per application.

C. Subject: Monthly Update on City Council Six-Month Strategic Objectives

Recommendation: Receive and file.

D. Subject: Repayment & Indemnification Agreement between the California Department of Housing and Community Development and the City of Nevada City regarding repayment of ineligible and potentially ineligible Program costs

Recommendation: Authorize mayor or mayor's staff designee to sign Agreement as is or as may be modified as to its terms.

6. PUBLIC HEARINGS:

7. OLD BUSINESS:

- A. Subject:** An Ordinance Amending Chapter 9.22 of Title 9 of the Nevada City Municipal Code Entitled “Prohibiting Medical Marijuana Dispensaries,” and Renaming It “Medical Cannabis Dispensaries and Other Cannabis Business and Activity”; Adding Chapter 17.142 Entitled “Medical Cannabis Uses and Activity” to the Nevada City Municipal Code; and Amending Chapter 17.36 Entitled “Local Business Zone,” Chapter 17.40 Entitled “General Business Zone,” and Chapter 17.48 Entitled “Light Industrial Zone” (2nd Reading)

Recommendation: 1) Resolution 2017-XX approving the Notice of CEQA Exemption; 2) Introduce for second reading an Ordinance for the regulation of Medical Cannabis Dispensaries within City limits, waive reading of the Ordinance; read title only, and adopt the Ordinance; 3) Direct staff to prepare fee recommendations related to the application and permitting process and develop a draft application procedure for Council’s consideration; and 4) Direct staff to develop a ballot measure recommendation for the June 2018 election that would apply a tax on cannabis related businesses.

8. NEW BUSINESS:

9. CORRESPONDENCE:

10. ANNOUNCEMENTS:

11. CITY MANAGER’S REPORT:

12. ADJOURNMENT

Certification of Posting of Agenda

I, Mark Prestwich, City Manager for the City of Nevada City, declare that the foregoing agenda for the April 12, 2017 Regular Meeting of the Nevada City City Council was posted April 7, 2017 at the office of the City of Nevada City (City Hall). The agenda is also posted on the City’s website www.nevadacityca.gov.

Signed April 7, 2017 at Nevada City, California

_____, Mark Prestwich, City Manager

**CITY OF NEVADA CITY
City Council
Long Range Calendar**

April 26, 2017	Regular Council Meeting
May 10, 2017	Regular Council Meeting
May 17, 2017	Special Council Meeting – Budget Workshop
May 24, 2017	Regular Council Meeting
May 29, 2017	City Hall Closed – Memorial Day Holiday
June 14, 2017	Regular Council Meeting
June 28, 2017	Regular Council Meeting

NOTE: This list is for planning purposes; items may shift depending on timing and capacity of a meeting.

NOTICE: *As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council and to enforce the rules of the Council.*